

HOUSE BILL 174
By McKee

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to healthcare freedom of choice.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. It is the intent of the general assembly that citizens be able to make informed choices for any type of health care they deem to be an effective option for treating human disease, pain, injury, deformity, or other physical or mental condition. It is the intent of the general assembly that citizens be able to choose from all health care options, including the prevailing or conventional treatment methods, as well as other treatments designed to complement or integrate with the prevailing or conventional treatment methods.

SECTION 2. It is the intent of the general assembly that health care practitioners be able to offer complementary or integrative health care treatments with the same requirements, provisions, and liabilities as those associated with the prevailing or conventional treatment methods. A health care practitioner shall not be subject to discipline by the licensing board or found professionally incompetent solely on the basis that complementary or integrative therapies are included as treatment options. This position is inferred by the Tennessee Board of Medical Examiners in the policy Principles of Medical Ethics, Preamble, Sections III & V. All disciplinary complaints filed against a practitioner, using complementary or integrative treatment methods, shall be judged by a committee composed of complementary and integrative peers who are knowledgeable regarding these types of therapies.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 1, is amended by inserting sections 4 through 8 below as a new part thereto.

SECTION 4. As used in this part, the term:

(1) “Complementary or integrative health care treatment” means any treatment that is designed to provide patients with an effective option to the prevailing or conventional treatment methods associated with the services provided by a health care practitioner. Such a treatment may be provided in addition to or in place of other treatment options.

(2) “Health care practitioner” means any practitioner licensed under title 63, chapter 6 or title 63, chapter 9.

SECTION 5. A health care practitioner who offers to provide a patient with a complementary or integrative health care treatment must inform the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the patient to make an informed and prudent decision regarding such treatment option. In compliance with this section:

(1) The health care practitioner must inform the patient of the practitioner’s education, experience, and credentials in relation to the complementary or integrative health care treatment option.

(2) The health care practitioner may, in his or her discretion and without restriction, recommend any mode of treatment that is, in his or her judgment, in the best interests of the patient, including complementary or integrative health care treatments, in accordance with the provisions of his or her license.

SECTION 6. Every health care practitioner providing a patient with a complementary or integrative health care treatment must indicate in the patient’s care record the method by which the requirements of Section 5 were met.

SECTION 7. This part does not modify or change the scope of practice of any health care practitioner, nor does it alter in any way the provisions of the individual practice acts for

those licensees to practice within their respective standards of care and which prohibit fraud and exploitation of patients.

SECTION 8. Each health care facility or provider shall observe the following standards:

(1) A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, physical handicap, or source of payment.

(2) A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide such treatment.

(3) A patient has the right to access any mode of treatment that is, in his or her own judgment and the judgment of his or her health care practitioner, in the best interests of the patient, including complementary or integrative health care treatments, in accordance with the provisions of this part.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.